

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ED RUSSELL doing business as)	
Alley Roads Music BMI,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 3:14-cv-01555
)	Judge Trauger
JAMES A RICHARDSON, JR., ET AL.,)	Magistrate Judge Brown
)	
Defendants)	

ORDER

On June 8, 2016, the magistrate judge issued a Report and Recommendation (DE #152), to which defendant Richardson has objected in part (Docket No. 178), and the plaintiff has responded to the objection (Docket No. 180).

Defendant Richardson argues that his Motion to Dismiss (Docket No. 131), based upon the filing of an inaccurate application to proceed *in forma pauperis* should be granted. When a party files objections to a magistrate judge's report and recommendation regarding a dispositive motion, the district judge must review de novo any portion of the report and recommendation to which objections are properly lodged. Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B) & (C). In conducting its review, the district court "may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3).

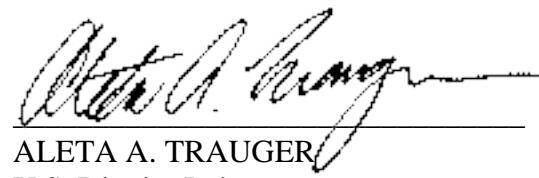
The court has conducted a *de novo* review of defendant Richardson's objection, the Report and Recommendation and the pertinent parts of the record and finds that the magistrate judge's recommendation is factually sound and legally correct. The defendant's objection is therefore OVERRULED.

The court hereby ACCEPTS the Report and Recommendation and makes it the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby ORDERED that defendant Richardson's Motion to Dismiss (Docket No. 131) is DENIED and defendant Richardson's Motion for Relief From Order (Docket No. 135) is DENIED. It is further ORDERED that the plaintiff's Motion to Correct Application for Leave to Proceed *In forma Pauperis* (Docket No. 144) is GRANTED, in so far as the application may be amended, but it is DENIED in so far as the plaintiff seeks to proceed *in forma pauperis*.

This case shall be returned to the magistrate judge for further handling under the original referral order.

It is so **ORDERED**.

ENTER this 11th day of August 2016.



Aleta A. Trauger
U.S. District Judge